

July 20, 2010

Sentencing Wednesday for HIV-positive sex offender

A 38 year old HIV-positive sex offender from Oceanside will be sentenced tomorrow (Wednesday, July 21) in Suffolk County court in Riverhead for having sex with nine young males, including three minors, between the summer of 2007 and the end of December 2008.

The investigation of defendant Robert Musmacker began after his arrest by a state trooper on December 28, 2008. Musmacker and his 16- year old male passenger admitted during questioning that they had engaged in sex on a number of occasions. State Public Health Law prohibits disclosure of information regarding the health status of the defendant's victims.

Musmacker is a Level 3 sex offender under Megan's Law because of a 1991 sodomy conviction. He was released from prison in January 2001.

Suffolk County Judge Barbara Kahn (second floor of the courthouse) made a sentencing promise to Musmacker of 14 years in prison and 15 years post-release supervision. The defendant pleaded guilty to charges of reckless endangerment, criminal sexual act in the third degree and endangering the welfare of a minor.

District Attorney Thomas Spota said the people will recommend a sentence of 18 years imprisonment.

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A criminal charge is merely an accusation. A defendant is presumed innocent until and unless proven guilty.